

Serial No. 10/660,499**PATENT
20020-02USA****REMARKS**

In the Office Action of November 22, 2005, the Examiner has divided the claims into three (3) groups: Group I (claims 1-13) drawn to a polynucleotide, a recombinant vector comprising said polynucleotide, a cell comprising said polynucleotide, a plant comprising said polynucleotide, plant tissue or seed derived from said plant and a method for enhancing root growth of a plant; Group II (claims 14 and 15) drawn to a method for identifying a compound affecting the activity or expression of a polynucleotide; and Group III (claim 16) drawn to a polynucleotide encoding a polypeptide that binds to the nucleic acid sequence of SEQ ID NO: 1.

Applicants traverse this requirement. Reconsideration and withdrawal thereof are earnestly requested.

Applicants submit that there is not an undue burden placed upon the Examiner to search and consider all of the claims.

The present invention is based on the isolation and characterization of a new expansin gene that regulates root growth and obstacle-touching stress resistance in plants. Further, all of the inventive groups divided by the Restriction Requirement actually revolve around the same gene and its product. Therefore, all of the claims in Groups I-III should be considered and examined as a single invention.

However, in order to be responsive to the outstanding Restriction Requirement, Applicants provisionally elect to prosecute Group I claims 1-13, drawn to a polynucleotide, a recombinant vector comprising said polynucleotide, a cell comprising said polynucleotide, a plant comprising said polynucleotide, plant tissue or seed derived from said plant and a method for enhancing root growth of a plant, for prosecution on the merits, with traverse.

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At least, the finality of the restriction requirement separating out the process claims should be held in abeyance until allowable subject matter is found in the product claims, and then rejoined and considered at that time under the Rejoinder rule of MPEP 821.04. Accordingly, early examination on the merits is respectfully requested.

The Commissioner is authorized to charge JHK Law's Deposit Account No. 502486 for any fees required under 37 CFR §§ 1.16 and 1.17 and to credit any overpayment to said Deposit Account No. 502486.

Respectfully submitted,

JHK Law

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